

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AXEL HERNANDEZ,)	
Plaintiff)	
)	
v.)	C.A. NO. 09-cv-10259-MAP
)	
MICHAEL J. ASHE, JOHN)	
KENNEY, JUAN RAMOS, AND)	
JERRY DEVINE,)	
Defendants)	

MEMORANDUM AND ORDER RE:
REPORT AND RECOMMENDATION WITH REGARD TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
(Dkt. Nos. 44 & 61)

October 13, 2010

PONSOR, D.J.

Plaintiff was a pretrial detainee in the Hampden County Correctional Center ("HCCC")¹ and, proceeding pro se, filed a fourteen-count complaint against various HCCC officials alleging constitutional claims of excessive force, denial of medical care, and failure to investigate and supervise, as well as tort claims of assault and battery and negligence. Defendants' Motion for Summary Judgment was referred to Magistrate Judge Kenneth P. Neiman for a report and recommendation.

On September 22, 2010, Judge Neiman issued his Report and Recommendation, to the effect that Defendants' motion

¹ The Report and Recommendation mistakenly refers to the Hampshire County Correctional Center.

should be allowed. Judge Neiman's memorandum admonished the parties that any objections were due within fourteen days of the parties' receipt of the Report and Recommendation. See Dkt. No. 61 at 18, n.4. No objections have been filed.

Based on the clear substantive correctness of the Report and Recommendation, and upon Plaintiff's failure to file any objection, the court, upon de novo review, hereby ADOPTS the Report and Recommendation (Dkt. No. 61).

For the foregoing reasons, the court hereby ALLOWS Defendants' Motion for Summary Judgment (Dkt. No. 44). The clerk is ordered to enter judgment for Defendants. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge